

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

**SANDRA ROGERS, INDIVIDUALLY AND
AS PERSONAL REPRESENTATIVE OF
THE ESTATE OF DUSTIN ROGERS
AND AS NEXT FRIEND OF DALLAS
ROGERS AND LONDON ROGERS**

Plaintiff

VERSUS

**BBC CHARTERING AMERICA, LLC
AND BBC CHARTERING USA, LLC**

Defendants

* * * * *

*** CIVIL ACTION NO.: 13-cv-03741**

✻

✻

✻

✻

✻

❖

•

•

..

11

✱

DEFENDANTS' RULE 59 MOTION FOR NEW TRIAL

The defendants, BBC Chartering America, LLC and BBC Chartering USA, LLC (collectively referred to as “BBC”), for the reasons more fully set forth in the accompanying memorandum in support, hereby file this *Motion for New Trial* seeking reconsideration of the Court’s Order dated March 3, 2014 (Doc. 20), granting the plaintiff’s *Motion to Remand*. In so doing, BBC preserves, asserts, and maintains its objections as to this forum being an improper venue and these defendants being improper parties.

WHEREFORE, BBC respectfully requests that the Court grant its *Motion for New Trial* pursuant to Federal Rule of Civil Procedure 59.

Respectfully submitted,

/s/ Frederick W. Swaim III
Jason P. Waguespack, T.A.
Federal I.D. No. 268357
Frederick W. Swaim III
Federal I.D. No. 412753
GALLOWAY, JOHNSON, TOMPKINS,
BURR & SMITH
One Shell Square, 40th Floor
701 Poydras Street
New Orleans, Louisiana 70139
Telephone: (504) 525-6802
Telecopier: (713) 525-2456
E-mails: jwaguespack@gjtbs.com
fswaim@gjtbs.com

OF COUNSEL:
James T. Bailey
Federal I.D. No. 30347
Texas Bar. No. 24031711
GALLOWAY, JOHNSON, TOMPKINS
BURR & SMITH
1301 McKinney, Suite 1400
Houston, Texas 77010
(713) 599-0700 – telephone
(713) 599-0777 – facsimile
E-mail: jbailey@gjtbs.com

Attorneys for BBC Chartering America, LLC and BBC Chartering USA, LLC

CERTIFICATE OF SERVICE

I do hereby certify that on March 31, 2014, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all participating counsel of record.

/s/ Frederick W. Swaim III
FREDERICK W. SWAIM III